



Docket No. J&J-1764
Serial No. 09/600,025

Remarks/Arguments

Claims 1-19 and 30-46 are pending in the application. Claims 1-19, 33, 34 and 44-46 are rejected. Claims 30-32 and 35-43 are objected to.

Claims 1-19 and 44-46 have been canceled without prejudice. Claim 30 has been amended by deleting the phrase "for culturing the plant medium". Claim 33 was amended by deleting the word "derived" and inserting in its place the word "selected" and by deleting the word "or" and substituting in its place the word "and". Support for these changes is found on page 4, lines 20-23 of the specification. Claim 34 was amended by deleting the phrase "any culture which gives rise to somatic embryos, any culture which gives rise to shoots". The Examiner has concluded that the deleted language rendered the claim indefinite because the metes and bounds of these limitations were deemed to be unclear. Applicants reserve the right to pursue the cancelled subject matter in a continuing application.


The Examiner has indicated that the "instant claims (i.e. claims 1-19, 33 and 34) all depend upon independent claim 1. Applicants wish to point out that claims 30, 31 and 32 are each independent claims, claims 33-36, claim 38 and claims 40-42 are dependent upon claim 31, claim 37 is dependent upon claim 36, claim 39 is dependent upon claim 38 and claim 43 is dependent upon claim 42. Claims 33 and 34, therefore, are not dependent upon rejected claim 1.

Reconsideration of the rejection of claims 33 and 34 under 35 U.S.C. 112, second paragraph, is courteously requested.

In view of the amendments herein being made to the claims it is believed that all of the outstanding objections and rejections have been removed.

Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

By: 
John W. Harbour
Reg. No. 31,365

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
December 16, 2004
(732) 524-2169